



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

FILED  
**AUG 6 2022**  
PURSUANT TO ROH Sec. 1-2.4

ORDINANCE

BILL **60 (2020)**

**A BILL FOR AN ORDINANCE**

RELATING TO TELECOMMUNICATION FACILITY FEES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to establish fees for the attachment of small wireless facilities to City utility poles.

SECTION 2. Section 28-12.1, Revised Ordinances of Honolulu 1990, as amended ("Definitions"), is amended by adding new definitions of "City pole," "Small wireless facilities," and "Utility pole," and amending "Type II Telecommunications Facility" to read as follows:

"City pole" means a utility pole, which may be managed or operated by, or on behalf of, the city.

"Small wireless facilities" means the same as defined in HRS Section 206N-2.

"Type II Telecommunications Facility" means any telecommunications facility that does not meet the definition of "Type I Telecommunications Facility" or "Small wireless facilities."

"Utility pole" means the same as defined in HRS Section 206N-2."

SECTION 3. Section 28-12.4 is amended to read as follows:

**"Sec. 28-12.4 Colocation of certain wireless communication facilities.**

All leases or licenses to private persons or entities for the purposes of situating a privately owned wireless communications services facility on city property or city poles shall include appropriate provisions to ensure that the facility shall be, to the extent practicable, capable of supporting one or more antennas owned or used by private persons or entities other than the lessee or licensee."

SECTION 4. Chapter 28, Article 12, Revised Ordinances of Honolulu 1990 ("Telecommunications Facilities"), is amended by adding a new Section 28-12.5 to read as follows:

**"Sec. 28-12.5 Small wireless facilities fees.**

(a) Unless otherwise authorized by the council, the fees for the use of city poles for small wireless facilities shall be as follows:



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE

BILL 60 (2020)

---

**A BILL FOR AN ORDINANCE**

---

- (1) Application fee: An initial one-time fee of \$500.00 per city pole shall be charged for the review of applications requesting authorization to attach small wireless facilities to city poles.
- (2) Annual fee: An initial annual telecommunications license fee of \$275.00 per pole, per year, shall be charged for the attachment of small wireless facilities to city poles and shall be increased four percent annually.
- (b) The department may recommend and the council may authorize a different annual rental amount when: (i) the city will be required to undertake measures and incur additional costs to mitigate negative aesthetic aspects of the small wireless facility or minimize the potential threat of the small wireless facility to public safety; or (ii) the department determines that the rental amount is not feasible or equitable.
- (c) In determining a different annual rental amount, the department shall ensure that the rental amount is a reasonable approximation of the city's costs, only objectively reasonable costs are factored into the amount, and the amount is no higher than the amount charged to similarly-situated telecommunications service providers in similar situations."

SECTION 5. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_  
BILL 60 (2020)

**A BILL FOR AN ORDINANCE**

SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

*Carol Fukunaga*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

AUG 6 2020  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu

FILED  
AUG 6 2022  
PURSUANT TO ROH Sec. 1-2.4